



State of Vermont

Office of the Secretary of State

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Permitted Processes for Annual Meetings and all other Local Elections Conducted in 2021

Pursuant to the authority granted in H.48, §2(a)(5) (2021):

The Secretary of State hereby permits, in the year 2021, the legislative body of any municipality that has an upcoming local election to adopt one or more of the following procedures for use in conducting that election:

1. *A Board of Civil Authority (BCA) may vote to use a tabulator for an upcoming local election no less than 20 days prior to the election.*
2. *In addition to annual meeting, ballots may be mailed to all active voters for any elections that occur as a result of the annual meeting, including any run-off election, reconsideration vote, and re-votes of a budget that does not pass.*
3. *If a municipality typically conducts its annual meeting by voting on some questions at a floor meeting and other questions via Australian Ballot, that municipality may conduct the Australian ballot portion of the business on the standard annual meeting date and may postpone the portion of that meeting conducted from the floor until a later date pursuant to H. 48.*
4. *Ballots for more than one municipality may be included in a single mailing to a voter.*
5. *Ballot questions from more than one municipality may be included on a single ballot.*
6. *Local election officials may process ballots returned by mail or voted in the Clerk's office through the tabulator or into a secure ballot box during the 20 days preceding election.*
 - *At a minimum, ballots shall be processed in the presence of at least two election officials who, if possible, shall be from different parties.*
 - *The process shall be conducted in accordance with guidance issued by the Secretary of State's Office.*
 - *The process shall be conducted during normal business hours if practicable or, if conducting the process at a time other than normal business hours or at a time when your office is closed due to COVID-19, notice of the date(s), time(s), and location of the processing shall be posted at the Clerk's office and two other public places at least three days in advance.*

- *Any member of the public requesting to observe the process shall be provided an opportunity to do so. Upon request of a member of the public to observe the process, if in-person observation by members of the public is not possible due to restrictions related to COVID-19, the process may be live-streamed in some manner to allow for remote viewing or may be recorded and the recording provided to those who request it for viewing.*
 - *In towns that count their ballots by hand, the voted ballots shall be deposited in a secure ballot box to be commingled with any ballots cast at the polls on Election Day and counted after the close of the polls.*
7. *If, pursuant to its Articles of Agreement, a union school district or unified union school district is required to compile the ballots cast by voters in the member towns before counting the results, the legislative body may vote that ballots for the 2021 annual meeting are not required to be compiled before counting. In such case, the ballots may be counted by each member town and the results reported to the school district clerk for determination of the official district-wide results.*
8. *A municipality may implement a drive-up voting procedure where voters complete the voting process without leaving their vehicle. Each voter shall:*
- *Be checked off the entrance checklist by an election official in the same manner as the voter would be in a standard polling place;*
 - *Be provided a ballot to vote and directed to an identified location where their vehicle may be parked during the voting process;*
 - *Be able to deposit their ballot directly into a secure ballot box that may be brought to the window of the vehicle or located in such a manner that it can be accessed from the vehicle, and again be checked off an exit checklist before leaving the voting location.*
- A person may fill out a voter registration form and submit it to an election official for processing before receiving a ballot. An area shall be provided for those filling out registration forms to leave the line of traffic and complete the form before being checked off the checklist and provided a ballot.*
9. *A municipality may hold their polling location outside and otherwise follow standard polling place rules.*
10. *The location of a polling place may be changed no less than 15 days prior to the election. The BCA must vote to change the location and the Secretary of State must be notified within 24 hours of the vote. The polling location shall also be updated in the Vermont Election Management System, by the Clerk, within 24 hours of the BCA approving the change. Every reasonable effort should be made to inform the public of the new location. These efforts should include but are not limited to, posting notice of the new location:*
- *In all locations where the original Warning was posted;*
 - *In additional locations in the town or city such as general stores, transfer stations, and other locations that are frequently used by residents;*
 - *On the town or city website, if one exists;*

- *On a town or city list serve or other online forum such as Front Porch Forum; or*
 - *If the BCA deems it necessary, by publication in a newspaper no less than 5 days prior to the election.*
11. *If a municipality uses a tabulator, ballots do not have to be reviewed by hand, under the following circumstances:*
- *There is no election of officers on the ballot and, as such, no write-in spaces; or*
 - *There is an election of officers but the total write-in vote counted by the tabulator is not higher than the total for the winning candidate(s) that was named on the ballot.*
12. *A municipality may waive the deadline to file nominating paperwork for local offices contained in 17 V.S.A. §2681 and allow those consent forms to be filed until a date determined by the municipality that will facilitate the ballots being prepared no later than 20 days before the election as required by 17 V.S.A. § 2681a.*
13. *If a person files a consent of candidate form to run for local office, and the annual meeting is postponed, that person will remain a qualified candidate for that office on whatever date the meeting is held, without being required to file another consent of candidate. Additional candidates may file to run for office in the election in advance of the consent of candidate filing deadline for the postponed meeting date.*
14. *Any polling place for a local election, whether employing the processes allowed by this directive or not, shall be conducted in a manner consistent with current guidance regarding social distancing, group size/building capacity orders, or other measures issued by the Agency of Commerce and Community Development (ACCD), found here:*
<https://accd.vermont.gov/news/update-new-work-safe-additions-be-smart-stay-safe-order>, *the Vermont Department of Health, or contained in any current Executive Orders of the Governor.*

A municipality that intends to use any of the procedures permitted by this directive is strongly encouraged to consult with the Elections Division of the Secretary of State's office or ACCD for assistance in implementing these processes.

With the exception of the allowance of the permitted procedures in this Directive, in H.48 (2021) and in Act 162 (2020), the elections shall be carried out in all other respects in accordance with the applicable provisions of the Vermont Statutes.

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